

**STILLWATER COUNTY  
COMMISSIONER MINUTES**

<p><b>Notice:</b> These minutes reflect the proceedings of the Board of County Commissioners. The official minutes are on file with the Clerk and Recorder MCA 7-4-2611(2)(b).</p>
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**REGULAR MEETING  
December 29, 2020**

**PRESENT** Commissioner Mark Crago, Chair, Commissioner Dennis Shupak and Tyrel Hamilton, members, Shannon Fisher, Admin Assistant.

Others Present: Kevin Ray, Road & Bridge; Carol Arkell, Emily Schabacher, Stillwater County News; Maureen Davey, Melinda Jeffrey, Adam Warren, Becky Sidwell, Richard Sidwell, Brandon Garoutte, Maurie Petterson, John Patterson, Jacob Mader, Citizens.

**PLEDGE** Commissioner Crago opened the meeting with the Pledge of Allegiance.

**MINUTES** December 1, 2020. Commissioner Hamilton **MOVED** to approve the minutes as presented. Commissioner Shupak **SECONDED**. Discussion – Maureen Davey asked if all the minutes are available to see in the Clerk & Recorder’s Office. Commissioner Crago answered yes to Maureen’s question. Motion passed unanimously.

**RECOGNITION** Lester Beil for five years of service. Commissioner Dennis Shupak for 12 years of service. Commissioner Crago thanked Lester for all his hard work. Commissioner Crago thanked Commissioner Shupak for 12 great years of service for the county.

**CONSENT AGENDA** **Commission**  
Dorsey Whitney Engagement Letter for Bond Counsel.

**FILE** **MDOT**  
Annual Stillwater County Bridge Inspection Report.

Commissioner Hamilton **MOVED** to consent to the consent agenda and file the file items. Commissioner Shupak **SECONDED**. Discussion – Commissioner Crago explained that this is the acknowledgement for the engagement letter for Dorsey Whitney that needs to be signed and returned. This is for the fairground event center capital improvement project. Maureen Davy asked if the funds for Dorsey Whitney are county funds. Commissioner Crago affirmed that the funds are county funds. Commissioner Crago went on to explain that the reimbursables are for \$7000.00. If it goes to bond and the bonds are sold the estimated fee will range from \$55,000.00 to \$80,000.00. Maureen Davey asked if the county will be paying these bonds off. Commissioner Crago confirmed the county will be paying the bond off. Commissioner Crago explained that the annual bridge inspection report is the annual inspection report for county bridges. The Johnson Bridge is getting a poor rating and has currently been bid and awarded to Sletten Construction and awaiting dates for construction. Motion passed unanimously.

**PUBLIC HEARING  
December 29, 2020**

**PRESENT** Commissioner Mark Crago, Chair, Commissioner Dennis Shupak and Tyrel Hamilton, members, Shannon Fisher, Admin Assistant.

Others Present: Kevin Ray, Road & Bridge; Carol Arkell, Emily Schabacher, Stillwater County News; Maureen Davey, Melinda Jeffrey, Adam Warren, Becky Sidwell, Richard Sidwell, Brandon Garoutte, Maurie Petterson, John Patterson, Jacob Mader, Citizens.

**OPEN PUBLIC  
HEARING**

Commissioner Crago opened the Public Hearing at 9:07 a.m.

**REASON FOR  
PUBLIC HEARING**

Commissioner Crago made introductions and announced the Public Hearing is being held for the creation and establishment of a special district for the new Stillwater County fairgrounds. on behalf of the Stillwater Historical Society in regard to the Norton House.

**BACKGROUND ON  
SPECIAL DISTRICT**

The Facilities Capital Improvements Plan has been worked on for several years now. The county is currently to the point where the construction portion can begin. This special district will provide the funding mechanism for the county to borrow money to build the new fairgrounds and event center. This district does not give the Commissioners the authority to raise taxes. The special district will allow the county to borrow funds for the construction of this project.

**QUESTIONS AND  
COMMENTS:**

Commissioner Crago called for questions and comments. Richard Sidwell asked if the 60,000 feet is for a one- or two-story building. Commissioner Crago explained that the majority of the building. The entrance core is designed as a two-story area with ticketing, concessions and meeting rooms. The event center portion will be approximately 33,000 feet which will be an open for concert events and livestock or trade shows. The square footage of this building will be just under the size of the Expo building at the Metrapark in Billings. Richard Sidwell asked if there was a feasibility study done to see how this will affect the population of the county. Commissioner explained that Economic Development has been working with Beartooth RC&D on the feasibility studies. There is a prediction of growth with this project but how much is not known at this time. The county has looked at some of the school studies that had been done in the past that showed minimal growth over the next ten years. There is an expectation of increased visits in regard to the project. Richard Sidwell asked if the occupancy of this building will be used to pay back the bond and how will it be paid back. Commissioner Crago stated that the current plan is to pay for it out of the milled monies, metal mine monies set aside for economic development, PILT and other funding sources such as impact fees from developments like the wind farms. The Commission feels that they can accomplish this project without raising taxes. Richard Sidwell asked if the bonds will be paid off by the end of the project or will the county be paying interest on them. Commissioner Crago responded that the county will be paying interest and principal throughout. Maureen Davey stated that she attended a couple of the community meetings and the one in Molt had the Beartooth RC&D in attendance. At this meeting the Beartooth RC&D suggested doing a feasibility study or something like that to check and see what the services are within the county and to see if the county can support what is being proposed. This has not happened. Maureen said that this would be a good idea considering our dining areas/restaurants have decreased, there are limited places for people to stay if we do have a big event and Laurel is building a similar facility and maybe all these people will go there and help with their economics. This does not look like what was presented to the communities and the Commission did not revisit the communities. The meeting that was going to be held in regard to this project was postponed. Maureen had not heard if the Commission had gone out to the communities again regarding this. When it is said that this project will not raise taxes remember that this is an elected position and the next elected officials may choose to raise taxes and to guarantee that taxes will not be raised because of this is not quite accurate. Maureen stated that she is against this project because she feels it will put a burden on the taxpayers. Will the project pay for itself? What will operation and maintenance costs be? How many new county employees will it take to run the event center? Maureen had not heard if these questions have been answered yet. The last couple of years the wages for county employees have increased significantly along with the Commission. Taxes go up every year, just for the maintenance of the county. Commissioner Hamilton responded that it was the intention of the Commission

to bring this to the public in the fall and COVID restrictions got more stringent. It is still the intention of the Commission to go to the communities and put the board plans in various visible locations for the public to look at and comment. It is the hope of the Commission to schedule more meetings in the future when we know what the new Governor's COVID restrictions will be. Maureen stated that this sounds to her and other people she has spoken with that this is a done deal. Will there be any changes when the Commission goes out to the communities? A lot of money has been spent to get the project where it currently is. Maureen also stated that having been a member of the planning board for seven years learned that one of the criteria regarding a new subdivision was where would the septic be located. Where will the septic be? There has been no major decision on this yet. While talking with the City of Columbus, there has been little communication with them regarding this either. There is no real plan to use their system and could they afford or is it even big enough to accommodate this. Where will the waste for this project go? There doesn't appear to be a real definite plan in regard to this. This group has not addressed this issue with the city and this project has not even been on the city-county planning board agenda. Maureen expressed concern about the openness and the public input on this project when this project has gotten this far and the amount of money that has been spent. Richard Sidwell stated that he is on two county boards but is not representing either board with his statements but would like to express that neither board has been presented with this project. Richard further stated that there is a potential problem with the irrigation ditch that is currently running across the property where this project is located. Richard questioned how the county will approach the irrigation ditch, whether it will be fenced off or run through a tube. This poses a public safety issue. The irrigation company is not in a position to have any liability for that which means if there is an issue, it will fall back on the county. Richard further stated that he is not against the project but would like everyone to be comfortable and look at the issue involved with the project. The project, with the phases, is stacked so that the fairgrounds project needs to be complete so that the courthouse can be expanded and you can keep going down through the phases. It's important since it is tied altogether that the issues with the courthouse get addressed. Richard said that he would hate to see the county fall into a hole trying to put this project together. Commissioner Crago explained that the western half of the irrigation ditch is slated to be fenced with a security fence chain link type fence. The eastern half is going to be a covered culvert. Commissioner Crago stated that the irrigation ditch has been a concern for him as well and he would bury the whole ditch if the decision was his. The decisions for this project as a whole have been made by the FCIP committee with considerable thought and input. The sewer portion of the project has been discussed with the city engineer and public works person. Commissioner Crago also stated that a couple of weeks ago he did address the city council about this and said they need to sit down and talk about it and some of the options that have been discussed. The sewer is a major issue for this project. The Commission is trying to tackle any and all of these issues. Commissioner Hamilton added that he has been in touch with Nadeen Kovanda, with the ditch company, in regard to the water rights for this parcel. There have been difficulties obtaining the water rights with the state because it was controlled by the DPHHS. DPHHS has been very busy with the coronavirus and the county has not received the paperwork back yet in this regard. Commissioner Hamilton hopes to be able to have a complete plan to present to the irrigation board for their March meeting regarding the ditch and water rights. Carol Cushen voiced her concern of being on the other side of the interest if any thought had been given to taking the visitors business away from the businesses in the City of Columbus, has anyone raised that concern. Commissioner Crago responded that he did not think that anyone on the committee would think that the event center being north of the interstate would take business away from anyone. Carol asked if anyone had noticed that during an event at the fairgrounds people walk to McDonalds, the Beartooth Grill and shop in all the shops there. Commissioner Crago replied that he has noticed this but the committee has not had an in-depth discussion about this topic. No one on the committee believes it will pull business from the businesses in the city. The city is currently working on the trails project which goes from Itch Ke Pe Park to Granite Peak Park. Economic Development has been working with the state about extending that trail from Granite Peak Park to the new fairgrounds location for a safe walking path from one end of the city to the other. Commissioner Crago thanked Carol for raising this topic and will bring this up during their next meeting with the committee. Ann Davy asked if it is determined that the fairgrounds can tie into the city water system, will that cost be completely borne by the district. Commissioner

Crago replied that the cost will be completely paid by the district. Ann also asked if there has been any discussion yet as to what that may cost. Commissioner Crago responded that the proposed cost to go from the north side of the interstate to make the connection is approximately \$750,000.00. Richard Sidwell asked if the services are extended north of the interstate, will the county make the service available to people in that area. Commissioner Crago explained that the current intent of the county is to use as small of a pipe as can be used to provide the needed services to the fairgrounds to make the project as cost affordable as possible. If the city wants to pay for an upgrade at that time to be able to accommodate development north of the interstate then that will be part of the discussion to have with the city. The county is only going to pay for the impact they will have on the services. Currently it is slated to be a six-inch pipe with an injector system. Richard stated that a little forward thinking could enable the county to have revenue from services that could be expanded with this project from people who would want to develop and hook into the services. Commissioner Crago called for any further questions or comments. No further questions or comments heard.

#### PROPOSERS

Commissioner Crago called for proposers by a show of hands. No proposers were counted.

#### OPPOSERS

Commissioner Crago call for opposers by a show of hands. One opposer was counted.

Maureen Davy stated that she is opposed to the new fairgrounds. Maureen went on to say that she attended several of the meetings and we talked about economic development and what it would bring to Stillwater County. The economic development would be for the Columbus area at the expense to all the outlying taxpayers. Maureen also mentioned that when looking at the ambulance district, it is not being paid for by household but by the landowners. Maureen also said that she does not know how this is being funded but if it is by the acres, it will cost the landowners more than it would by household. This is a beautiful facility but the Fishtail area has issues finding workers for their restaurant and McDonalds also always has job openings, where will this work force come from. Maybe we will hire more county employees and the price will continue to go up. While attending the meetings Bozeman kept being mentioned. Maureen stated she does not want the area to look like Bozeman, she wants the area to look like Columbus with its own identity and handle what we can as taxpayers. Maureen reiterated that she is against this and if the county is looking at economic development, look to areas like Molt where their economic development would be to make the roads wider so when they are harvesting their crops, they could get two semis down the road. The economic development of the county as a whole needs to be addressed and not just the Columbus area. Maureen thanked the Commissioners for listening. Commissioner Crago called for any other opposers. None heard.

#### CLOSE PUBLIC HEARING

Commissioner Crago closed this portion public hearing at 9:31 a.m.

#### REGULAR BUSINESS Commission

B) Resolution 2020-45 relating to Stillwater County Fairgrounds District - Intent create a special district for the purpose of improvements to new county fairgrounds and financing costs thereof and incidental thereto through issuance of special district bonds. Commissioner Hamilton **MOVED** to Resolution 2020-45. Commissioner Shupak **SECONDED**. Discussion – Maureen Davy asked if the County is going to do bonds before the project is approved. Commissioner Crago responded that this is the intent to create a district to create the bonds. The county is not going to sell the bonds and nothing will happen with this unless the county decides to move forward with the project. This is a funding mechanism the county hope to use and if this is not in place the project cannot move forward. Commissioner Hamilton noted that this resolution comes with a public hearing protest period of sixty days which will close on March 1, 2021. Another meeting will be held on March 9, 2021 at 10:00 a.m. at the Stillwater Pavilion. Maureen also asked if this information is on the website. Commissioner Crago replied that the resolutions will be put on the website for the public to review. Motion passed unanimously

C) Sandstone Preservation Committee request for \$5000.00 in support of preservation of the Sandstone School. Commissioner Hamilton **MOVED** to approve the Sandstone Preservation's request for \$5000.00. Commissioner Shupak **SECONDED**. Discussion – Commissioner Hamilton recommended using the historic preservation funds for this request. Commissioner Crago explained that a group of individuals from the Absarokee area are seeking to preserve the Sandstone School. The group has worked with the local museum and board members and are trying to discern what can or cannot be done with the building. The group needs \$30,000.00 to do the analysis. The group approached the county for support in this endeavor. Maureen Davy asked if this money is coming out of county funds. Commissioner Crago replied that the money is coming from the metal mines funds. Maureen stated that those are county funds and they are taxpayer funds because the mine pays taxes so this is opening up for anyone that wants to ask for money for projects like this to come to the county to just ask for money. I there a new policy on this? Commissioner Hamilton responded that this request is unique in the fact that it is a historic building in Stillwater County and that to try and maintain the identity of Stillwater County it is important to preserve the history of Stillwater County and if the county can aid in some way through a historic preservation fund that is set up and funded than that is a good use of those funds. Motion passed unanimously.

D) Resolution 2020-46 Ordering a Referendum on the Creation of the Stillwater Museum. Commissioner Hamilton **MOVED** to approve Resolution 2020-46 ordering a referendum on the creation of the Stillwater Museum District. Commissioner Shupak **SECONDED**. Discussion – Ann Davy explained that the Museum of the Beartooth's is a nonprofit organization. The museum board has struggled with fundraising to support the museum operations. Through years of discussions the board decided to work to create a special district so the museum will be funded by mills. The museum board has been working with the Commissioners and the County Attorneys office to approach the issue and that is the purpose of this resolution. Jennifer France added that the museum board feels that working to preserve the history of Stillwater County is very important. Commissioner Crago explained that this referendum, if passed, will call for an election during the May election cycle, which will be conducted as a mail ballot election to ask the Stillwater County voter to create and fund a museum district. Maureen Davy asked who will pay for the election. Ann Davy responded that a few years ago at the annual fundraiser, the drive was to raise funds to pay for the election costs. Motion passed unanimously.

### **Road & Bridge**

A) Appoint viewers and set public hearing date for the proposed abandonment of Berry Creek Road. Commissioner Hamilton **MOVED** to appoint viewers Steve Riveland, Heidi Stadel and Mark Schreiner for a January 6 viewing of Berry Creek Rd and set the public hearing date for January 19 at 9:30 a.m. Commissioner Crago **SECONDED**. Discussion – Adam Warren identified himself as an attorney representing Margaret Holmgren, a property owner with property adjacent to Berry Creek Road. Adam would like to point out that at the outset that although this is just setting the appointment of viewers, no notice was provided to Miss Holmgren about this by the County Commissioners or the road and bridge department. Miss Holmgren found out about this of her own accord. Adam stated that he believes the Commissioners and the road and bridge department are in possession of her objections to this abandonment. Adam would like to further underscore that she still strongly objects to the abandonment of Berry Creek Road based on communications with counsel of a potential buyer for the Holmgren property and wants to make known these objections to the Commissioners and the road and bridge department. This seems like a moot point since the Board has been in possession of her objections for quite some time. Under MCA 7-14-2615(4) the Board, as long as objections remain, cannot proceed with the abandonment of this road. Adam is hopeful that the Board will fulfill its obligations at the public hearing. Adam reiterated that he is very disappointed in the fact that notice was not provided as required by law and that they iterate and enforce their objections. Commissioner Crago responded that it is his understanding that notices will be mailed after the meeting today and this was just received by their office last week to put on today's agenda to set viewers and to set a public hearing date. This is part of the process and the Commission is aware that there are objections to the abandonment by a couple of different parties but this is part of the process to proceed to a public hearing. Adam Warren requested that Miss Holmgren be provided proper notice for the public hearing and that if the property is sold that the new buyers be provided with notice. Commissioner Crago stated that it is his understanding that notice will go out, if not today, then before the end of this week to the affected landowners. Richard Sidwell stated that going back to the proposed fairground, everyone is wanting to keep the identity of Stillwater County but on the other hand, if we are going to be a vibrant community and continue to grow, the Commission has to put something out to the people. If this takes off and does what the Commission thinks it will do, there is going to be needed growth for other restaurants and place stay. We don't need to stop and stagnate. There are

going to be problems, there always are with projects like this but personally he feels we need to go ahead with this project. Richard stated that he is in favor of the project. Any community that stops growing eventually dies. We are looking at those possibilities here and he does not want to see that happen. Commissioner Crago asked for any other comments on the abandonment of Berry Creek Road. Jacob Mader stated that he is a landowner along Berry Creek Road and wants to make sure he understands the process. Jacob asked if the portion of the road being abandoned is past where the County maintains the road and will this be in the letters coming out in the future. Commissioner Crago stated that the letters will go to the landowners where the section petitioned to be abandoned goes through and it is on a non-maintained portion of the road. This proposed abandonment has nothing to do with the homes of the current landowners along this road. Motion passed unanimously.

**PUBLIC COMMENTS ON COUNTY BUSINESS** – Maureen Davy commented that every two years after elections there are some county officials that re-elected and some that choose not to run again. There are two long serving elected officials, one of which is Sandy Fox who has worked for the county about 30 years. She has worked for the County Attorneys office, the Justice of the Peace before she became the Clerk of District Court. She was an extremely dedicated person and Stillwater County is very fortunate to have had someone like Sandy. Maureen also commented that she worked next to Dennis Shupak for 12 years and he can say to Dennis that she could always trust him and he would always cover her back and she would cover his. He did that best he could despite some health problems but he was always a very sincere, hardworking honest guy that she would sit next to at any time.

**With no further comments heard the meeting was adjourned at 9:44 a.m.**

APPROVED BY:       /s/ Mark Crago, Commissioner Chairman

ATTEST:             Heidi L. Stadel, Clerk and Recorder